IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS PINE BLUFF DIVISION

BILLY SCALES PLAINTIFF

v. 5:07CV00327HLJ

MARVA DAVIS, et al. DEFENDANTS

<u>ORDER</u>

In light of defendants' withdrawal of their objections (DE #29), plaintiff's motion to substitute party (DE #22) is hereby GRANTED. Marva Davis is hereby substituted as a defendant in her capacity as special administrator in place of Rick Toney, deceased, with respect to allegations against him in his <u>individual</u> capacity.¹

IT IS SO ORDERED this 29th day of June, 2009.

United States Magistrate Judge

Defendant Marvin Evans was automatically substituted as defendant in place of Rick Toney, deceased, with respect to allegations against him in his <u>official</u> capacity, pursuant to Fed.R.Civ.P. 25(d).